

BRAIN INJURY RIGHTS GROUP

Address: 300 E 95th St., Suite #130 New York, NY 10128

Telephone: 646.850.5035

Website: www.braininjuryrights.org

January 27, 2022

VIA ECF

Hon. Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States of America and State of New York, ex rel. Patrick Donohue v. Richard Carranza, et al.*
20-CV-05396 (GHW)(SDA)

Dear Judge Aaron:

As Your Honor may recall, the undersigned represents the Plaintiff/Relator in the above-referenced matter. Following a telephone conference on January 4, 2022, with the parties that have appeared in this action to date, Your Honor Ordered, *inter alia*:

"The deadline to complete service of process on all remaining Defendants, including those Defendants who have failed to return executed waivers of service and those Defendants represented by the New York City Law Department, is extended to January 31, 2022."

The Plaintiff has completed service of process on the Defendants represented by the New York City Law Department but requests an extension of time to complete service upon the Defendants located outside the State of New York.

Subsequent to the January 4th conference, Plaintiff was able to identify and engage a process server that could effectuate service on all of the out-of-state Defendants. Plaintiff forwarded copies of the Summonses, Complaints, and all Exhibits to our process server for nationwide service, which should be completed by February 4th, if not sooner, except as set forth below.

Our process server cannot effectuate service upon the Massachusetts Defendants because, under the law of the Commonwealth, only a local Sheriff/Constable/Marshal can serve the Defendants named herein. Upon delivering process to the local Sheriff, where each Defendant is located, our process server was advised that the local Sheriff Departments are somewhat back-logged and service would take several weeks to complete. Assuming the Sheriff Departments are not otherwise delayed by a further COVID outbreak or "uptick," service upon the Massachusetts Defendants should be completed between February 11th and 18th.

As a result of the foregoing, Plaintiff respectfully requests that the time to serve the out-of-state Defendants be extended to February 28, 2022.

The Plaintiff thanks the Court for its attention and consideration.

Respectfully submitted,

Rory J. Bellantoni

Rory J. Bellantoni, Esq. (RB 2901)

VIA ECF

cc: Counsel for Defendants
Having Appeared in this Matter